

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

In re: OHIO EXECUTION
PROTOCOL LITIGATION,

Case No. 2:11-cv-1016

Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

This Order relates to All Plaintiffs

**SECOND NOTICE REGARDING PRIVATE AUTOPSY OF GARY
OTTE**

This case is before the Court on Defendants' Reply (ECF No. 1258) to Plaintiffs' Response to Defendants' Request for Autopsy Results (ECF No. 1254). Defendants' Reply was docketed within seconds of the Court's Notice Regarding Private Autopsy of Gary Otte (ECF No. 1257).

In light of Defendants' Reply, the last sentence of the Notice ("There is nothing pending for the Court to decide about the autopsy results and the Court will do nothing on this matter except pursuant to a motion by one of the parties.") is **WITHDRAWN**. Because it asks for a court order, the Reply will be treated as a motion to compel. Because of the urgency of preparation for the Tibbetts-Campbell preliminary injunction hearing, Plaintiffs may file their memorandum in opposition to the motion not later than September 29, 2017, at 4:00 p.m.. No

further briefing will be considered on this issue in the absence of court permission on good cause shown.

September 26, 2017.

s/ *Michael R. Merz*
United States Magistrate Judge